

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| IN RE PATENT APPLICATION OF: | Bergeron et al. | OUR FILE NO: | 78314 18-18 US |
| SERIAL NUMBER: | New Application | GROUP: | New Application |
| FILED: | New Application | EXAMINER: | New Application |
| TITLE: | TUNABLE OPTICAL ADD/DROP DEVICE | | |

Information Disclosure Statement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Information Disclosure Statement (Form PTO-1449) in the above-captioned application with references.

Certification

- X_____ This Information Disclosure Statement is submitted within three months of:
- (i) the filing date of the above-identified U.S. National Patent application, or
 - (ii) the date of entry into the U.S. National Stage of the above-identified International Application, or
 - (iii) the date of entry into the U.S. National Stage of the International Application that has been assigned the above-identified U.S. Patent application number, whichever applies.
- _____ This Information Disclosure Statement is submitted prior to the mailing date of the first Office Action on the merits received by Applicant in the above-identified application.
- _____ This Information Disclosure Statement is submitted after three months from
- (i) the filing date of the above-identified U.S. National Patent application, or
 - (ii) after three months from entry into the U.S. National Stage of the above-identified International Application; or
 - (iii) the date of entry into the U.S. National Stage of the International Application that has been assigned the above-identified U.S. Patent application number, whichever applies; and after the mailing date of the first Office Action on the merits of the above-identified application, but prior to issuance of the earlier of any Final Action or Notice of Allowance sent in such application. The certification under 37 C.F.R. § 1.97(e) is submitted separately or below, or the fee required under 37 C.F.R. § 1.97(c) and § 1.17(p) is submitted herewith.
- _____ This Information Disclosure Statement is submitted after the earlier of the mailing date of a final rejection or Notice of Allowance sent in this application but before payment of the Issue Fee. The certification required under 37 C.F.R. § 1.97(e) is submitted separately or below. A petition to the Commissioner and the appropriate fee pursuant to § 1.17(i) (1) are submitted herewith.

- _____ A certification under 37 C.F.R §1.97 is submitted herewith separately from this paper.
- _____ It is hereby certified that each item of information contained in this statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- _____ No item of information contained in this statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this statement.

Respectfully submitted,



Charles E. Wands
Registration No: 25,649

11/03/2003
Date:

1401 Citrus Centre
255 South Orange Avenue
Box 3791
Orlando, Florida
USA 32802-2791

Tel: (321) 725-4760
Fax: (321) 984-7078

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| Form PTO 1449 U.S. Department of Commerce Patent and Trademark Office Information Disclosure Statement by Applicant | ATTY. DOCKET NUMBER: 78314 18-18 US | SERIAL NUMBER: NEW APPLICATION |
| | APPLICANT: BERGERON ET AL. | |
| | FILING DATE: NEW APPLICATION | GROUP: NEW APPLICATION |

U.S. Patent Documents

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING APP |
|---------------------|--|-----------------|---------------|---------------|-------|----------|---------------|
| | | 6,292,299 | Sep. 18, 2001 | Liou | 359 | 583 | |
| | | 6,320,996 | Nov. 20, 2001 | Scobey et al. | 385 | 18 | |
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Foreign Patent Documents

| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
|--|--|-----------------|------|---------|-------|----------|-------------|----|
| | | | | | | | YES | NO |
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Other Documents (Including Author, Title, Date Pertinent Pages, Etc.)

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| EXAMINER | | DATE CONSIDERED |
| <i>EXAMINER: Initial if citation is considered, whether or not citation is in conformance with MPEP 609; draw a line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant</i> | | |